

**REMARKS/ARGUMENTS**

Claims 1-17 remain in this application. Claims 1, 10, and 17 have been amended. The following issues are outstanding in the Office Action dated March 3, 2003:

- Claims 1-5, 10-13, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Jacobos et al. U.S. Patent No. 5,489,259 (hereinafter referred to as "Jacobos") in view of Thorn et al. Great Britain Patent No. 2,195,255 (hereinafter referred to as "Thorn") and Scarberry et al. U.S. Patent No. 5,222,478 (hereinafter referred to as "Scarberry").
- Claims 1-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tumey et al. U.S. Patent No. 5,443,440 (hereinafter referred to as "Tumey") in view of Thorn, Scarberry, and Jacobs.

Applicant respectfully traverses the rejections and objections, and in light of the following remarks requests reconsideration and withdrawal thereof.

**Claim Rejections – 35 USC §103(a): Jacobos in view of Thorn and Scarberry**

Examiner has rejected Claims 1-5 10-13, and 17 under 35 U.S.C. §103(a) as being unpatentable over Jacobos in view of Thorn and Scarberry. A device is unpatentable under §103 only if it would have been obvious to one of ordinary skill in the art at the time of the invention to combine aspects of the references to obtain the invention. Applicant respectfully asserts that Claims 1-5, 10-13 and 17 as amended are not obvious in view of Jacobos, Thorn and Scarberry. Applicant has amended claims 1, 10 and 17 to further distinguish from the references cited by the examiner. Combining the references cited would not obtain the invention as described in amended claims 1, 10, and 17. As such, withdrawal of the rejections of claims 1, 10, and 17 is

respectfully requested. As claims 2-5, and 11-13 are dependent on claims 1 and 10 respectively, withdrawal of the rejections of these claims is also respectfully requested. No new matter has been added. Support for the amendments can be found page 11, lines 4-20 of the application as filed.

**Claim Rejections – 35 USC §103(a): Tumey in view of Thorn, Scarberry, and Jacobs**

Examiner has rejected Claims 1-17 under 35 U.S.C. §103(a) as being unpatentable over Tumey in view of Thorn, Scarberry, and Jacobs. A device is unpatentable under §103 only if it would have been obvious to one of ordinary skill in the art at the time of the invention to combine aspects of the references to obtain the invention. Applicant respectfully asserts that Claims 1-17, as amended are not obvious in view of Tumey, Thorn, Scarberr, and Jacobs, and respectfully requests withdrawal of the rejection.

Similar to the arguments mentioned above, there is no motivation to combine the teachings of Tumey with the teachings of Thorn, Scarberry, and Jacobs in order to achieve the present invention as amended.


SUMMARY

In view of the above, it is submitted that the claims are now in condition for allowance. Reconsideration and withdrawal of the rejections is hereby respectfully requested. Allowance of Claims 1-17 at an early date is solicited.

If upon consideration of the above, the Examiner should feel that outstanding issues remain in the present application that could be resolved, the Examiner is invited to contact the undersigned at the telephone number indicated to discuss resolution of such issues.

Applicant respectfully requests favorable consideration.

Respectfully submitted,



Nadeem G. Bridi

Reg. No. 42,361

Attorney for the Applicant

KINETIC CONCEPTS, INC.  
P.O. Box 659508  
San Antonio, Texas 78265-9508  
TEL: (210) 255-4543  
FAX: (210) 255-4440